

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for
Mojave-Rosamond Recycling & Sanitary Landfill
SWIS No. 15-AA-0058
May 22, 2014

Background Information, Analysis, and Findings

This report was developed in response to the Kern County, Department of Public Health, Division of Environmental Services (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for Mojave-Rosamond Recycling & Sanitary Landfill, SWIS No. 15-AA-0058, located in Kern County and owned/operated by Kern County Waste Management Department. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on July 29, 2013. It was determined the entire project was not captured in the Non Water Corrective Action Plan. The operator waived time pursuant to Public Resources Code Sections 44008 and 44009 to allow time to correct this issue, and the proposed permit was received April 2, 2014. Action must be taken on this permit no later than June 1, 2014. If no action is taken by June 1, 2014, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Project

The following are key design parameters of the proposed project:

	Current SWFP (2003)	Proposed SWFP
Name of Facility	Mojave-Rosamond Sanitary Landfill	Mojave-Rosamond Recycling & Sanitary Landfill
Tonnage	470 TPD 44 Maximum Average TPD Calculated Monthly	3000 TPD
Permitted Traffic	585 Vehicles/Day	585 Vehicles per Day
Hours of Operation	Monday – Sunday 7:00 a.m. – 5:00 p.m. (Closed 5 holidays)	6:00 a.m. - 6:00 p.m. 7 days/week (except 5 holidays)
Permitted Area (acres)	253 a	1688.49
Permitted Disposal Acreage	27 a	544 acres
Design Capacity	2,262,243 cy	78,000,000
Max. Elevation (Ft. MSL)	2685 Ft.	2704
Max Depth (Ft. MSL)	2588 Ft.	2497
Estimated Closure Date	2017	2123

Other changes include:

1. Update to the Extreme Weather Plan;
2. Update LEA permit conditions to current standards;
3. Update the Preliminary Closure Post-Closure Maintenance Plan Cost Estimates; and
4. Update the Joint Technical Document.

Key Issues

The proposed revised SWFP will allow for the following:

1. Increase in maximum permitted daily tonnage from 470 to 3,000 tons;
2. Increase the facility permitted boundary from 253 acres to 1,688 acres;
3. Increase the permitted capacity from 2.3 million cubic yards to 78 MCY;
4. Increase estimated closure year from 2017 to 2123;
5. Increase in maximum elevation from 2,685 to 2,704 ft. MSL;
6. Increase the maximum depth in the expansion area from 2,588 ft. MSL to 2,497 ft. MSL
7. Increase hours of operation from 7:00 am to 5:00 pm, to 6:00 am to 6:00 pm.

Background

Mojave-Rosamond RSLF is located at 400 Silver Queen Road, in Mojave. The existing site is owned and operated by the County of Kern under a permit issued on September 26, 2003. The landfill is being expanded to accommodate the future closing of two other county owned and operated landfills.

Findings

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated July 23, 2013, which was received by the Department on July 29, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on July 2, 2013. The LEA provided a copy to the Department on July 29, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on April 2, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on July 29, 2013, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation &	<input checked="" type="checkbox"/> Acceptable

27 CCR Sections	Findings	
	Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated August 13, 2013.	<input type="checkbox"/> Unacceptable
21685 (b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandums dated September 3, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	The Engineering Support Branch staff in the Closure and Facility Engineering Unit found the reasonably foreseeable corrective action activities and costs technically adequate as described in their memorandum April 8, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(A) Financial Assurances Documentation Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation in compliance as described in the memorandum dated March 4, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(B) Operating Liability Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in the memorandum dated March 4, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting and Assistance Branch and LEA staff found that the facility was in violation of one state minimum standard during an inspection conducted on April 16, 2014. The violation was subsequently corrected. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on July 29, 2013, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on July 1, 2013. No written or oral comments were received by LEA. See Public Comments below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

Permitting and Assistance Branch staff accompanied the LEA on their monthly inspection on April 16, 2014. The LEA noted one violation:

27 CCR Section 20710- Storage of Salvage

On May 13, 2014, the LEA conducted a focused inspection of the facility and determined the violation was corrected.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2014 (April) – See violation mentioned above
- 2013 (July) – One violation of 27 CCR Section 20680 – Daily Cover
- 2009 – 2012 No violations were noted.

All violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs on it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Kern County Waste Management Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts, and mitigation measures imposed on it. The changes that will be authorized by the issuance of the proposed permit include the increase in maximum permitted daily tonnage from 470 to 3,000 tons, the increase the facility permitted boundary from 253 acres to 1,688 acres, the increase in the permitted capacity from 2.3 million cubic yards to 78 million cubic yards, the change in estimated closure year from 2014 to 2123, the increase in maximum elevation from 2,685 to 2,704 feet, MSL, the increase in the maximum depth in the expansion area from 2,588 to 2,497 feet MSL, and the increase in hours of operation from 7:00 am to 5:00 pm to 6:00 am to 6:00 pm.

These changes are supported by the following environmental document.

An Environmental Impact Report, State Clearinghouse No. 1998071109, was circulated for a 45 day comment period from May 15, 2012, to June 25, 2012. The EIR identified that the project will have significant and unavoidable impacts related to PM10 emissions and biologic resources. The EIR, together with a statement of overriding considerations was certified by the Lead Agency on October 2, 2012.

The Lead Agency determined that the project benefits outweigh the adverse environmental impacts.

These benefits are described in detail in the Final EIR, and include the following:

1. Maintain and expand cost-effective disposal and recycling opportunities for the local communities in eastern Kern County, as required by the Kern County General Plan and the Kern County and Incorporated Cities Integrated Waste Management Plan. The Project will extend the useful life of an existing landfill, thereby saving the County residents and businesses the environmental impacts and the economic costs of developing a new landfill or, if not expanded, the higher environmental impacts and cost of hauling wastes to a more distant landfill. The increased capacity will provide a convenient and reliable location for the disposal of municipal solid waste, and the increased permitted area provides additional space for waste diversion and recycling programs as the facility grows.

The Project will provide economic benefits to the County residents and businesses as it will allow the costs of capital improvements, maintenance, and eventual closure and post-closure monitoring and maintenance of the landfill to be spread over a larger number of waste loads, a larger number of rate payers, and a longer period of time, which will minimize the increase in solid waste disposal costs to the County residents and businesses.

2. Continue to provide the residences of eastern Kern County with the typical service standard established throughout the County of a travel time of 36 minutes to the closest solid waste facility. Kern County Waste Management Department staff use a general guideline that the system should provide disposal service (landfill or transfer station) within 36 minutes of its customers. The Project will ensure the County will continue to maintain this service standard for the residences of south-eastern Kern County by extending the lifespan of the landfill. Without the Project, residences would be required to haul their waste to another landfill, such as the Bakersfield Metropolitan Landfill, which would exceed the Kern County Waste Management Department's guidelines of providing disposal services within 36 minutes of its customers.

3. Minimize haul distances for waste collection vehicles to reduce traffic, air quality, energy and climate change impacts, and costs to the residents of eastern Kern County by providing up to 75,737,757 cubic yards of additional waste disposal capacity at the Mojave-Rosamond RSLF. The Project proposes to modify the Solid Waste Facilities Permit and apply for a Conditional Use Permit for the facility to allow for the expansion of the Mojave-Rosamond Recycling and Sanitary Landfill. This expansion will provide up to 75,737,757 cubic yards of additional waste disposal capacity. This additional capacity will help reduce costs to the residents of Kern County by providing an additional capacity of over 7 million cubic yards at an existing landfill in the most cost efficient manner.

The greater the delay of the closure of the landfill and construction of the transfer station facility, the greater the delay of the air impacts not only associated with the construction, but also from hauling the waste to a permitted disposal facility located at a greater distance from the northeast Kern County area. The residents can continue to dispose of their waste in a nearby landfill, and the waste haulers who pick up for many of the residents in this area will not have to raise trash pickup fees to pay for longer disposal haul distances. In the future, the vehicles used to transport the waste will be cleaner burning, reducing the impacts to air quality and climate change. More efficient equipment will reduce the use of non-renewable resources such as fossil fuels. Future recycling opportunities and/or mandates will also reduce the amount of residual wastes required to be transferred to another solid waste facility for disposal.

4. Utilize existing disposal facilities to minimize land use conflicts and impacts to the environment as required by the Kern County General Plan, the Mojave Specific Plan, the Kern County Integrated Waste Management Plan and the Kern County Solid Waste Infrastructure Plan. The Project will extend the lifespan of the facility an additional 106 years until 2123 by both vertically and horizontally expanding the disposal area, thus utilizing the established infrastructure already available. This avoids impacts that would occur from the construction of a new landfill; precludes the need to travel to more distant disposal and recycling facilities, thereby reducing air pollutant emissions, traffic congestion and fossil fuel use; and avoids conversion of farmland that would likely occur with the siting of a new facility. Siting and constructing a new facility would take many years, as a new facility would need to be sited per the siting criteria of the Kern County General Plan as well as the Integrated Waste Management Plan. Historically, the Mojave-Rosamond Recycling and Sanitary Landfill has operated with minimal impacts to the environment. The lining of the future waste cell units will help use best technologies to protect and reduce impacts to groundwater resources in Kern County.

5. Increase buffer area around the Mojave-Rosamond RSLF, as required by the policies and implementation measures of the Kern County General Plan, and allow the inclusion of uses within the buffer area ancillary to landfill operations. The Project includes 1,185.9 acres of land as buffer around the 544 acres of permitted disposal area to protect the landfill from future encroachment of sensitive and incompatible land uses. The Project will amend the Mojave Specific Plan and Kern County General Plan Appendix E figure to include 742.41 acres of buffer property under a proposed General Plan designation of Map Code 3.4.1 (Solid Waste Buffer). This would further prevent any incompatible land uses adjacent the landfill and render the chance of a conflict with an applicable land use, policy or regulation less than significant. The Mojave-Rosamond Recycling and Sanitary Landfill has several monitoring and mitigation activities, ancillary to landfill operations, which may be located within the facility boundaries. These ancillary uses are a result of state and federal regulations requiring Kern County Waste Management Department to conduct environmental monitoring and protection activities. In addition, the buffer lands may be used for a variety of landfill related activities. There is insufficient space available within the current permitted boundaries of the landfill to conduct these required non-disposal activities, and therefore the request of the Conditional Use Permit to include the buffer areas which will allow the facility to conduct these necessary actions, and maintain compliance with local land use policies and regulations.

6. Provide additional emergency disposal capacity for disaster preparedness. The Mojave-Rosamond Recycling and Sanitary Landfill is an integral part of emergency debris disposal capacity for south-eastern Kern County. The facility will provide a centralized location for diverting and recycling disaster debris at the same location as disposal operations if an emergency situation occurs.

Statement of Overriding Considerations:

Because all of the project's impacts cannot be avoided or substantially reduced, before concurring on the issuance of the proposed permit, the Department must adopt a Statement of Overriding Considerations that indicates its reasons for overriding the adverse environmental effects caused by the proposed project. It is Department staff's recommendation that the Department adopt as its own the Statement of Overriding Considerations as adopted by LEA to the extent the unavoidable significant environmental effects of the Project identified in the

Statement of Overriding Considerations relate to environmental effects caused by the Department's exercise of its Statutory Authority.

Department staff further recommends the Final Environmental Impact Report (EIR), with all other CEQA documents adopted by the LEA, and with the inclusion of the Statement of Overriding Considerations, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The Kern County Department of Environmental Health, Division of Health Services (LEA), has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, consider the Final EIR as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the EIR, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the EIR adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on July 1, 2013, at the Mojave Veteran's Hall. No member of the public was in attendance. No oral or written comments for or against were received by LEA. Evan Fassler field representative for Senator Jean Fuller was in attendance and asked general solid waste permitting process questions which were addressed by the LEA and operator.